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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

|  |   |                        |                             |
|--|---|------------------------|-----------------------------|
|  |   | Application Number     | 10/661,361                  |
|  |   | Filing Date            | September 12, 2003          |
|  |   | First Named Inventor   | David A. Mackiewicz, et al. |
|  |   | Art Unit               | 3731                        |
|  |   | Examiner Name          | Unassigned                  |
| Total Number of Pages in This Submission | 2 | Attorney Docket Number | ENDOS-64949 (4164P)         |

| ENCLOSURES (check all that apply)  |   |  |
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| <input type="checkbox"/> Fee Transmittal Form                                | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> After Allowance communication to Technology Center (TC)                                     |
| <input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences                                  |
| <input type="checkbox"/> Amendment / Reply                                   | <input type="checkbox"/> Petition   | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)                              |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition to Convert a Provisional Application                  | <input type="checkbox"/> Proprietary Information   |
| <input type="checkbox"/> Affidavits/declaration(s)                           | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter   |
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| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 |   |  |

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|                         |                                    |  |
|-------------------------|------------------------------------|--|
| Firm or Individual name | FULWIDER PATTON LEE & UTECHIT, LLP |  |
| Signature               |                                    |  |
| Date                    | September 1, 2004                  |  |

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the

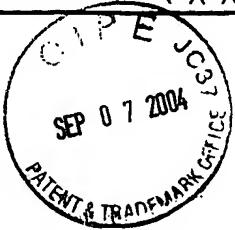
|                       |  |      |
|-----------------------|--|------|
| Typed or printed name | Thomas H. Majcher, Registration No. 31,119 |      |
| Signature             |  | Date |
|                       | September 1, 2004                          |      |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**RESCISSON OF PREVIOUS  
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(35 U.S.C. 122(b)(2)(B)(ii))  
AND, IF APPLICABLE  
NOTICE OF FOREIGN FILING  
(35 U.S.C. 122(b)(2)(B)(iii))**



|                      |  |
|----------------------|--|
| Application Number   | 10/661,361                             |
| Filing Date          | September 12, 2003                     |
| First Named Inventor | David A. Mackiewicz, et al.            |
| Title                | RADIOPAQUE MARKERS FOR MEDICAL DEVICES |
| Atty Docket Number   | ENDOS-64949 (4164P)                    |
| Group Art Unit       | 3731                                   |
| Examiner             | Unassigned                             |

A request that the above-identified application not be published under 35 U.S.C. 122(b) (nonpublication request) was included with the above-identified application on filing pursuant to 35 U.S.C. 122(b)(2)(B)(i). I hereby **rescind** the previous nonpublication request

If a notice of foreign or international filing is or will be required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c), I hereby provide such notice. This notice is being provided no later than forty-five (45) days after the date of such foreign or international filing.

*If a notice of subsequent foreign or international filing required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) was not filed within forty-five (45) days after the date of filing of the foreign or international application, the application is ABANDONED, and a petition to revive under 37 CFR 1.137(b) is required. See 37 CFR 1.137(f).*

September 1, 2004

Date

(310) 824-5555

Telephone number

Signature

Thomas H. Majcher, Reg. No. 31,119

Typed or printed name

**This request must be signed in compliance with 37 CFR 1.33(b).**

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**Name (Print/Type)** Thomas H. Majcher

**Signature**

**Date**

September 1, 2004

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